

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

RICKEY R. THOMAS,	)	8:15CV213
	)	
Plaintiff,	)	
	)	
v.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
ROBERT MCDONALD, Secretary of	)	
Veterans Affairs,	)	
	)	
Defendant.	)	

This matter is before the court on its own motion. Plaintiff Rickey R. Thomas filed a Complaint in this matter alleging he was subjected to employment discrimination in violation of Title VII of the Civil Rights Act. An Administrative Judge for the United States Equal Opportunity Commission entered judgment against Thomas on March 3, 2015. (Filing No. [1 at CM/ECF p. 20.](#)) On March 26, 2015, Thomas was advised of his right to file a civil action in the appropriate federal district court within 90 days. (Filing No. [1 at CM/ECF p. 18.](#)) Thomas filed this action on June 11, 2015, within the 90-day window provided for in the right-to-sue advisement. Accordingly, the court finds this case may proceed to service of process.

IT IS ORDERED that:

1. The clerk of the court is directed to send to Thomas a copy of the Complaint, a copy of this Memorandum and Order, and three summons forms and three USM 285 Forms.

[Federal Rule of Civil Procedure 4\(m\)](#) requires service of the complaint on a defendant within 120 days of filing the complaint. However, Thomas is granted, on the court's own motion, an extension of time until 120 days from the date of this order to complete service of process.

2. If requested to do so in this matter, the United States Marshal will serve all process in this case without prepayment of fees from Thomas. In making such a request, Thomas must complete the USM 285 forms to be submitted to the clerk of the court with the completed summons forms. (See attached Notice for persons to be served.) Without these documents, the United States Marshal will not serve process. Upon receipt of the completed forms, the clerk of the court will sign the summons forms and forward them to the Marshal for service on Defendant, together with a copy of the Complaint.

3. The clerk of the court is directed to set a pro se case management deadline in this case with the following text: **January 22, 2016**: Check for completion of service of summons.

DATED this 23rd day of September, 2015.

BY THE COURT:

*s/ John M. Gerrard*  
United States District Judge

### **Notice Regarding Federal Rule of Civil Procedure 4**

Federal Rule of Civil Procedure 4(m) requires that a defendant be served with the complaint and a summons. This is to make sure that the party you are suing has notice of the lawsuit. Federal Rule of Civil Procedure 4(I) states that to serve process on a United States agency or officer, a party must provide a copy of the summons and complaint to: (1) the United States attorney for the district where the action is brought; (2) the United States Attorney General at Washington, D.C.; and (3) the United States agency or officer.

In this case, Rule 4(I) means that separate copies of the summons and complaint must be served on: (1) the United States Attorney for the District of Nebraska; (2) the United States Attorney General in Washington, D.C.; and (3) the officer you are suing.

You may ask the United States Marshal to serve process, as described in the court's order. You can use the addresses below to fill out the Marshal's Form 285. Or, instead, you may choose to serve process yourself. You can use the following addresses:

The United States Attorney's Office for the District of Nebraska at:

United States Attorney for the District of Nebraska  
1620 Dodge Street, Suite 1400  
Omaha, NE 68102-1506  
Attn: Civil Process Clerk

The Attorney General of the United States at:

Attorney General of the United States  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

The United States Department of Veterans Affairs at:

Secretary of Veterans Affairs  
810 Vermont Avenue, NW  
Washington, DC 20420